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## United States District Court Northern District of California

## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION

UNITED STATES OF AMERICA,

ALEXIS ISABELL ADAMS and

Defendants

VS.

MARCUS SHAW,

Case No.: 12-cr-0538

TRIAL SETTING ORDER

Having considered the filings to date and the arguments and other submissions at the Pretrial Conference, for good cause shown the Court enters the following orders:

1. **Trial Date and Schedule:** The trial of this matter is scheduled for to begin with jury selection on Friday, May 3, 2013 beginning at 8:30 a.m. in Courtroom 5 of the above-referenced Court. Trial in *United States of America v. Alexis Isabell Adams*, 12-cr-538-1 ("*Adams*") shall proceed first. Trial in *United States of America v. Marcus Shaw*, 12-cr-538-2 shall trail and will be tried thereafter. Counsel shall arrive in Court early enough to proceed with evidence by 8:30 a.m. Trial is estimated to last 7 court days in *Adams*.

Trial schedule will be generally as follows, Monday through Thursday, from 8:30 a.m. to 1:30 p.m. with two fifteen minute breaks. Trial may continue on Friday subject to the availability of the Court. Prosecution anticipates 10-12 witnesses. Defense in *Adams* anticipates at least 3 witnesses.

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Additional time may be scheduled for matters outside the presence of the jury as necessary and
determined by the Court. Side bars are not permitted. Counsel should be prepared to anticipate issues
so that they may be addressed outside of normal trial hours.

- 2. **Pre-Trial Conference:** A pre-trial conference in both cases shall be held on April 19, 2013 at 9:00 a.m. The parties shall comply with Local Rule 17.1-1(b) and file a pretrial conference statement not less than seven (7) days prior to the pretrial conference addressing all fifteen (15) issues identified therein.
- 3. **Motions in Limine:** Not less than fourteen (14) days prior to the pretrial conference, the parties shall serve, **but not file,** motions in limine. Not less than ten (10) days prior to the pretrial conference, the parties shall serve any oppositions thereto. The parties shall then meet and confer to resolve the motions. Any motions not resolved shall be filed not less than seven (7) days prior to the pretrial conference. The parties shall submit a JOINT CHAMBERS set including both the motion and the respective opposition. The proponent of the motion shall also submit a COMPREHENSIVE proposed form of order summarizing each motion and the requested relief.

Court hereby orders that witnesses shall be excluded until testimony is completed. Parties are ordered to admonish witnesses of the Court's rulings. Failure to comply with a ruling by the Court may result in sanctions, including without limitation the striking of the witness's entire testimony.

4. Exhibits and Exhibit Lists: No witness may be shown any document or other object until it has been marked for identification using an exhibit number.

The jury may not be shown any exhibits until admitted into evidence or stipulated by the parties as to admissibility without the express permission of the Court. To the extent agreed upon, the parties shall file Exhibit Lists identifying those for which a stipulation of admissibility exists with an "S" in the appropriate box.

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5. <b>Equipment:</b> Projectors, screens and similar equipment must be tested in the courtroon
prior to the day when it will be used. Arrangements may be made with the Courtroom Deputy,
Frances Stone, at (510) 637-3540 as to appropriate time for doing so. Marshals require court order to
allow equipment. Any party needing such an order must file a request and proposed order.

- 6. Objections: There shall be no "speaking objections," and no response unless requested by the Court, in which case it shall be brief e.g., "hearsay" and if a response requested, "Not offered for the truth." If either counsel needs to make a better record, he/she may do so when the jury is out at the next break.
- 7. Requests for Transcripts: If transcripts will be requested during or immediately after the trial, arrangements must be made with the Court Reporter Coordinator (Telephone No. 510-637-3534) at least one week prior to the commencement of the trial.
- 8. <u>Trial Decorum and Procedure:</u> Counsel, parties and witnesses are expected to conduct themselves at all times on or off the record and whether or not in the presence of a jury in a professional and courteous manner during trial. Do NOT approach witnesses without permission.
- 9. **Failure to Comply:** Failure to comply with the obligations set forth in this order will result in sanctions appropriate to the gravity of the failure, including, but not limited to monetary fines and/or terminating sanctions.

## IT IS SO ORDERED.

Date: January 11, 2013

HON. YVONNE GONZALEZ ROGERS United States District Judge